

Court of Appeals, State of Michigan

ORDER

People of MI v Anthony Montez Fulgham

Docket No. 290547

LC No. 09-001442-FC

Karen M. Fort Hood
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly
Judges

The Court orders, pursuant to MCR 7.205(D)(2), that the trial court's decision to assign defendant youthful trainee status under MCL 762.11 *et seq.* is REVERSED. The trial court's authority to grant youthful trainee status is jurisdictional. See *People v Martinez*, 211 Mich App 147, 149; 535 NW2d 236 (1995); *People v Dolgorukov*, 191 Mich App 38, 39; 477 NW2d 118 (1991). The language of MCL 762.11(2) is unambiguous and clearly precludes assigning youthful trainee status to those who plead guilty to an offense punishable by life in prison. In this case, defendant pleaded guilty to assault with intent to murder, armed robbery, carjacking, and receiving and concealing a stolen motor vehicle. The maximum sentence for the first three of those offenses is life imprisonment. See MCL 750.83; MCL 750.529; MCL 750.529a. As a result, the trial court lacked jurisdiction to assign defendant youthful trainee status.

This case is REMANDED to the trial court for further proceedings consistent with this order. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 26 2009

Date

Sandra Schultz Mengel
Chief Clerk